

EXHIBIT 13

No. 24-07-11639

DUSTIN ETTER	:	IN THE DISTRICT COURT OF
	:	
	:	
vs.	:	MONTGOMERY COUNTY, TEXAS
	:	
	:	
JEROD P. FURR, et al.	:	457TH JUDICIAL DISTRICT

Direct Interrogatories to:

Custodian of Records for
University Title Company
c/o Corporation Service Company d/b/a CSC Lawyers Incorporated, 211 E 7th Street, Suite 620
Austin, TX 78701

Nell McCallum & Associates, Inc.

Order No. 56347.003

CAUSE NO. 24-07-11639

DUSTIN ETTER

v.

JEROD P. FURR, et al.

§ IN THE DISTRICT COURT OF
§
§ MONTGOMERY COUNTY, TEXAS
§
§ 457th JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Records Custodian for: University Title Company

Types of Records: Described in Exhibit A

1. State your full name, your position or title, the complete legal name of your employer, and your complete address.

ANSWER:

Darlene Fairchild, Vice President - Compliance Officer

1021 University Dr. East, College Station, TX 77840

2. Have you or your employer made or caused to be made copies of any records, including memoranda, reports, records, or data compilations, as set forth in the Exhibit A to this Notice of Deposition by Written Questions, which is incorporated herein by reference?

ANSWER:

Yes

3. Do you have such records as described above?

ANSWER:

Yes

4. Are these records kept under your care, supervision, custody or control?

ANSWER:

....Yes

5. Are these records kept in the regular course of business?

ANSWER:

Yes

6. Was it the regular practice of your company or organization to make these records?

ANSWER:

Yes

7. Were these records made by, or from information transmitted by, a person with knowledge of the facts, events, conditions, opinions, or diagnoses stated therein?

ANSWER:

Yes

8. Were these records made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter?

ANSWER:

Yes

9. Was the method of preparation of these records trustworthy?

ANSWER:

Yes

10. Were these records kept as described above?

ANSWER:

Yes

11. Are these records complete and accurate?

ANSWER:

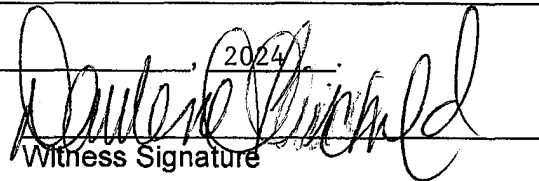
Yes

12. Please attach true and accurate copies of the records to this Deposition By Written Questions. Have you attached true and accurate copies of the records and if so, how many pages are attached?

ANSWER:

Entire file is copied to the flash drive provided with this document.

Signed this 11th day of December

2024

Witness Signature

Darlene Fairchild

Printed Name

Vice President - Compliance Officer

Title

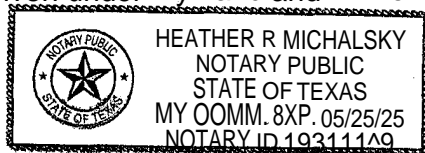
STATE OF Texas

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COUNTY OF Brazos

BEFORE ME, on this day personally appeared Darlene Fairchild, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that s/he executed the same for the purposes and consideration therein, and expressed and declared that the statements therein contained and true and correct.

Given under my hand and seal of office this 11th day of Dec., 2024.




Notary Public State of Texas

No. 24-07-11639

DUSTIN ETTER

vs.

JEROD P. FURR, et al.

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:
:

IN THE DISTRICT COURT OF

MONTGOMERY COUNTY, TEXAS

457TH JUDICIAL DISTRICT

CERTIFICATION TO THE DEPOSITION

RE: **University Title Company**

I, Shirley Mae Chesson, Notary Public in and for the State of Texas, hereby certify pursuant to the Rule 203, Texas Rules of Civil Procedure,

1. That this Deposition by Written Questions of Darlene Fairchild is a true and exact duplicate of the records, given by the witness named herein, after said witness was duly sworn by Heather R. Michalsky;
2. That the transcript is a true record of the testimony given by the witness;
3. That \$ _____ is the charge for the preparation of the completed Deposition by Written Questions and any copies of exhibits, charged to Attorney for Intervenor, **Noah E.W. Meek, TBA # 24084554**;
4. That the deposition transcript was submitted on December 11, 2024 to the witness for examination, signature and return to the officer by a specified date;
5. That changes, if any made by the witness, in the transcript and otherwise are attached thereto or incorporated therein;
6. That the witness returned the transcript;
7. That the original deposition by Written Questions and a copy thereof, together with copies of all exhibits was delivered to the attorney or party who Noticed the first questions for safekeeping and use at trial;
8. That pursuant to information made a part of the records at the time said testimony was taken, the following includes all parties of record:

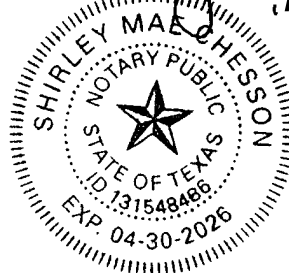
J. Randel Bays (The Bays Firm)

9. A copy of this Notice of Delivery was served on all parties shown herein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 10 day of January, 2025.

Nell McCallum & Associates, Inc.
Beaumont/Houston, Texas
800-859-9249 Fax 409 241-7170

Shirley Mae Chesson
Notary Public in and for the State of Texas



**NELL MCCALLUM & ASSOCIATES, INC.,
HAS VERIFIED THAT THESE RECORDS
ARE COMPLETE AND THE BEST
POSSIBLE QUALITY.**

One (1) USB obtained pursuant to the
Notice of Written Questions to University Title Company
c/o Corporation Service Company d/b/a CSC Lawyers Incorporated, 211 E 7th Street, Suite 620
Austin, TX 78701
have been delivered to
Noah E.W. Meek, Irelan McDaniel, PLLC
2520 Caroline Street, 2nd Floor
Houston, TX 77004

Noah E.W. Meek will file at time of trial.

Order No. 56347.003

CAUSE NO. 24-07-11639

DUSTIN ETTER

v.

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IN THE DISTRICT COURT OF

MONTGOMERY COUNTY, TEXAS

457TM JUDICIAL DISTRICT

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS
AND SUBPOENA DUCES TECUM TO UNIVERSITY TITLE COMPANY

To all parties by and through their attorneys of record:

PLEASE TAKE NOTICE that pursuant to Tex. R. Civ. P. 200, at least twenty (20) days from service of this notice with attached questions to the witness and all parties, the deposition by written questions will be taken of Custodian of Records for:

University Title Company
Through its registered agent
Corporation Service Company d/b/a CSC Lawyers Incorporated
211 E 7th Street, Suite 620
Austin, Texas 78701 USA

before a Notary Public for: Nell McCallum & Associates, Inc., 718 Westcott Street, Houston, TX 77007, or its designated agent, to be used as evidence in the above-styled and numbered cause. A copy of the Questions is attached hereto and will be propounded by a representative of Nell McCallum & Associates, Inc.

As authorized by Tex. R. Civ. P. 176, a subpoena duces tecum is requested for the witness to produce any and all records as described on the attached Questions and/or Exhibit A and any other such record in the possession, custody or control of said witness, and every such record to which the witness may have access, pertaining to: the items described in Exhibit A attached hereto.

The witness is instructed to turn all such records over to the officer authorized to take this deposition to be attached to the deposition either by electronically producing those documents, or in a manner such that photographic reproductions of the same may be made.

Respectfully submitted,

Ireland McDaniel, PLLC

By: /s/ Noah Meek

Noah E. W. Meek
State Bar No. 24084554
E-mail: nmeek@imtexasja.wxom
2520 Caroline St, 2nd Floor
Houston, Texas 77004
Phone: (713)222-7666
Fax: (713) 222-7669

ATTORNEYS FOR PLAINTIFF

CERTIFICATE [^]OF SERVICE

This is to certify that on this 3rd day of December, 2024, a true and correct copy of this Notice of Intention to Take Deposition by Written Questions and Subpoena Duces Tecum to University Title Company was served upon all parties *via E-Service* in compliance with TRCP 21 and 21a.

J. Randal Bays & Alyssa M. Cuellar, *Counsel for Defendants*
VIA Email: randyObagflrmxom
VIA Email: atys\$a@bag\$firmxgm

/s/ Noah Meek

Noah Meek

CAUSE NO. 24-07-11639

DUSTINETTER

v.

JEROD P. FURR, etal.

§ IN THE DISTRICT COURT OF
§
■ MONTGOMERY COUNTY, TEXAS
§
§ 457TM JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Records Custodian for: University Title Company
Types of Records: Described in Exhibit A

1. State your full name, your position or title, the complete legal name of your employer, and your complete address.

ANSWER:

2. Have you or your employer made or caused to be made copies of any records, including memoranda, reports, records, or data compilations, as set forth in the Exhibit A to this Notice of Deposition by Written Questions, which is incorporated herein by reference?

ANSWER:

3. Do you have such records as described above?

ANSWER:

4. Are these records kept under your care, supervision, custody or control?

ANSWER:

5. Are these records kept in the regular course of business?

ANSWER:

6. Was it the regular practice of your company or organization to make these records?

ANSWER:

7. Were these records made by, or from information transmitted by, a person with knowledge of the facts, events, conditions, opinions, or diagnoses stated therein?

ANSWER:

8. Were these records made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter?

ANSWER:

9. Was the method of preparation of these records trustworthy?

ANSWER:

10. Were these records kept as described above?

ANSWER:

11. Are these records complete and accurate?

ANSWER:

12. Please attach true and accurate copies of the records to this Deposition By Written Questions. Have you attached true and accurate copies of the records and if so, how many pages are attached?

ANSWER:

Signed this ____ day of _____, _____.

Witness Signature

Printed Name

Title

STATE OF _____ §

COUNTY OF _____ §

BEFORE ME, on this day personally appeared _____, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that s/he executed the same for the purposes and consideration therein, and expressed and declared that the statements therein contained and true and correct.

Given under my hand and seal of office this ____ day of _____.

Notary Public, State of _____

EXHIBIT A
SUBPOENA DUCES TECUM

1. Any website posts or social media posts created or dated at any time on or after 1/1/2022 listing or advertising for sale the property located at 5450 Honea Egypt Rd., Montgomery, Texas 77316.
2. Any broker agreements, sate agent agreements, listing agreements, or other similar agreements created or dated at any time on or after 1/1/2021 regarding or covering any services related to the property located at 5450 Honea Egypt Rd., Montgomery, Texas 77316.
3. Any sales contracts, offers of sales contracts, or amendments to any sales contract created or dated at any time on or after 1/1/2022 pertaining to the property located at 5450 Honea Egypt Rd., Montgomery, Texas 77316.
4. Any title commitment, title policy, closing statement, settlement statement, or other similar document created or dated at any time on or after 1/1/2022 pertaining to the property located at 5450 Honea Egypt Rd., Montgomery, Texas 77316. This specifically includes but is not limited to any such communications related to GF# 2200122TW.
5. Any letters, emails, text messages, social media messages, or other similar communications created or dated at any time on or after 2/1/2022 with Jerod Furr, Corrina Furr, Randall Bays, or Alyssa Cuellar.
6. Any letters, emails, text messages, social media messages, or other similar communications created or dated at any time on or after 2/1/2022 which discuss, reference, or pertain to GF# 2200122TW.

DEPOSITION SUBPOENA TO...TESTIFY...OR PRODUCE DOCUMENTS OR INTERVIEW

THE STATE OF TEXAS

To any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under

RULE 176 OF TEXAS RULES OF CIVIL PROCEDURE. - GREETINGS -

You are hereby Commanded to subpoena and summon the following witness(es): Custodian of Records for:

University Title Company, c/o Corporation Service Company d/b/a CSC Lawyers Incorporated, 211 E 7th Street, Suite 620, Austin, TX 78701

to be and appear before a Notary Public for Nell McCallum & Associates, Inc., 3560 Delaware, Suite 402, Beaumont, TX 77706, 800 859-9249 or 718: Westcott, Houston, TX 77007, or its designated agent, on VJI(XAUAFY4u^Ss, 2025 at the office of the custodian and there under oath to make answers of certain written questions to be propot^Aled to the witness and to bring and produce for inspection and photocopying

Any and all records as described on the attached Exhibit 'A'

and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, at any and all times whatsoever, then and there to give evidence at the instance of the Intervenor, represented by Noah Meek, Attorney of Record, Cause No. 24-07-11639, Montgomery County, Texas, 457th Judicial District.

This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above named court, styled

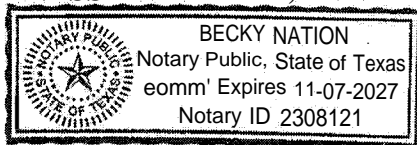
DUSTIN ETTER

vs.

JEROD P. FURR, et al.

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 17th day of December, 2024.



Becky Nation
NOTARY PUBLIC

176.8 Enforcement of Subpoena, (a) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____, and executed this the _____ day of _____, 20____,

in the following manner: By delivering to the witness _____, a true copy hereof.

Returned, this _____ day of _____, 20____.

PROCESS SERVER

Order No. 56347.003